

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

A Strong City,
*an Ohio nonprofit charitable
domestic corporation, et al.,*

Plaintiffs,

Case No. 2:24-cv-3669

v.

Judge Michael H. Watson¹

**United States District Court
for the Southern District of Ohio, et al.,**

Magistrate Judge Jolson

Defendants.

ORDER

Reverend Andrew D. Wenmoth (“Wenmoth”) and corporate entity A Strong City purport to proceed *pro se* in this civil rights case. Compl., ECF No. 1-1. Plaintiffs also move for leave to proceed *in forma pauperis*, but the motion contains financial information for only A Strong City. Mot., ECF No. 1.

Noting that “only natural persons, and not artificial entities, can proceed *in forma pauperis*[.]” the Magistrate Judge recommended the Court deny A Strong City’s motion to proceed *in forma pauperis* and order A Strong City to pay the filing fee within seven days. Further, the Magistrate Judge ordered A Strong City

¹ Under the rule of necessity, this District Judge need not recuse from this case even though Plaintiff sued the United States District Court for the Southern District of Ohio. *Humanitarian v. Leary*, Case No. 7:24-CV-32 (LAG), 2024 WL 3297684, at *2 (M.D. Ga. June 21, 2024) (“[U]nder the rule of necessity, when a plaintiff indiscriminately brings suit against all of the judges of a court, the judges may hear the case if there is no other judge from that court available to hear it.” (internal quotation marks and citation omitted)).

“to obtain and have counsel appear in this case on its behalf” by August 31, 2024.


No objections were timely filed.

Having received no objections, the Court **ADOPTS IN PART** the R&R. The Court **DENIES** A Strong City’s motion to proceed *in forma pauperis*² but will grant A Strong City more than seven days to pay the filing fee. Instead, A Strong City shall pay the filing fee by August 31, 2024 (the same date by which it is required to obtain and have counsel file a notice of appearance). If the filing fee and notice of appearance of counsel do not *both* occur by August 31, 2024, A Strong City will be dismissed as a plaintiff in this case without further notice for failure to prosecute.

Moreover, if A Strong City does not pay the filing fee by August 31, 2024, Wenmoth shall either pay the filing fee or move for leave to proceed *in forma pauperis* on his own claims by that date. If he fails to do either, his claims, too, will be dismissed without further notice for failure to prosecute.

The Clerk shall terminate ECF Nos. 1 & 4 as pending motions.

IT IS SO ORDERED.


MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT

² The fact that Wenmoth cannot file a *pro se* motion to proceed *in forma pauperis* on behalf of A Strong City is an independent reason to deny or strike the motion.